

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:09CR162-P-D

PHALON LAQUINA RUCKER, ET AL.,

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Phalon Rucker's May 19, 2010 Second Motion for Continuance [41]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 1, 2010. Defense counsel requests a continuance to afford more time to engage in plea negotiations.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from June 1, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Rucker's co-defendants pursuant to 18 U.S.C. section 3161(h)(6) because the period of delay is reasonable and no motion for severance has been granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Phalon Rucker's May 19, 2010 Second Motion for Continuance [41] is

GRANTED;

(2) Trial of this matter is continued **as to all defendants** until Monday, July 19, 2010 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from June 1, 2010 to July 19, 2010 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is June 28, 2010; and

(5) The deadline for submitting a plea agreement is July 6, 2010.

SO ORDERED this the 20th day of May, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE